



**LOUISIANA
COMMITTEE ON PAROLE**

Number: 11-1105-POL
Date: February 19, 2013
Page: 1 of 2

BOARD POLICY

SUBJECT: PRE-REVOCATION HEARING FOR DETAINED PAROLE VIOLATORS

PURPOSE: To establish a policy statement regarding preliminary hearings for offenders accused of violating the conditions of parole.

AUTHORITY: LAC Title 22, Part XI, Chapter 11; La. R.S. 15:574.2

POLICY:

It is the policy of the Committee to afford an offender due process when the offender is accused of violating the conditions of parole. The preliminary hearing shall be conducted by a hearing officer designated by the Division of Probation and Parole. The hearing officer shall have no direct knowledge of the parolee and the circumstances surrounding the allegations.

PROCEDURES:

- A. **Preliminary Hearing:** The purpose of the preliminary hearing is to determine if there is probable cause that the parolee has violated the conditions of his parole.
1. A finding of probable cause may support the continued detention of the parolee pending a final revocation hearing.
 2. The allegations and findings presented in the preliminary hearing documents will be the foundation for revocation or other specified action.
 3. The preliminary hearing will be conducted within a reasonable time following detention and in the locale or vicinity close to where the alleged violation occurred so that the offender has access to both favorable and adverse witnesses.
 4. Prior to the preliminary hearing, written notification will be furnished to the parolee advising him of:
 - a. the charges pending against him;
 - b. his rights at the hearing; and

- c. the date, time, and place of the hearing.
- 5. The parolee may request deferral of the preliminary hearing pending disposition of new felony charges.
- 6. The parolee may retain an attorney, or, if eligible, be represented by appointed counsel.
- 7. Documentary evidence and oral testimony may be taken from all participants present at the hearing, including witnesses and the parolee's friends and family.
- 8. At the conclusion of the hearing, the hearing officer will issue a ruling as to probable cause.

B. Findings by the Hearing Officer

- 1. The hearing officer who presides at the preliminary hearing will issue a finding of probable cause or no probable cause.
 - a. If no probable cause is found, the hearing officer shall order the parole violation detainer to be lifted and the alleged violator released from custody.
 - b. If probable cause is found, the Division of Probation and Parole will make one of the following recommendations to the Committee:
 - 1. that the parole violator be detained;
 - 2. that the parole violator be allowed to make bond, if new charges are pending, while awaiting a final decision from the Committee;
 - 3. that the parole violator remain incarcerated, without bond, pending disposition of the charge;
 - 4. that the parole violator be reprimanded and continued under parole supervision.
 - c. If probable cause is found, the parole revocation questionnaire will be completed and forwarded to the Committee
- 2. A copy of the finding will be given to the parolee and a copy forwarded to the Committee.

SHERYL M. RANATZA, CHAIRMAN